



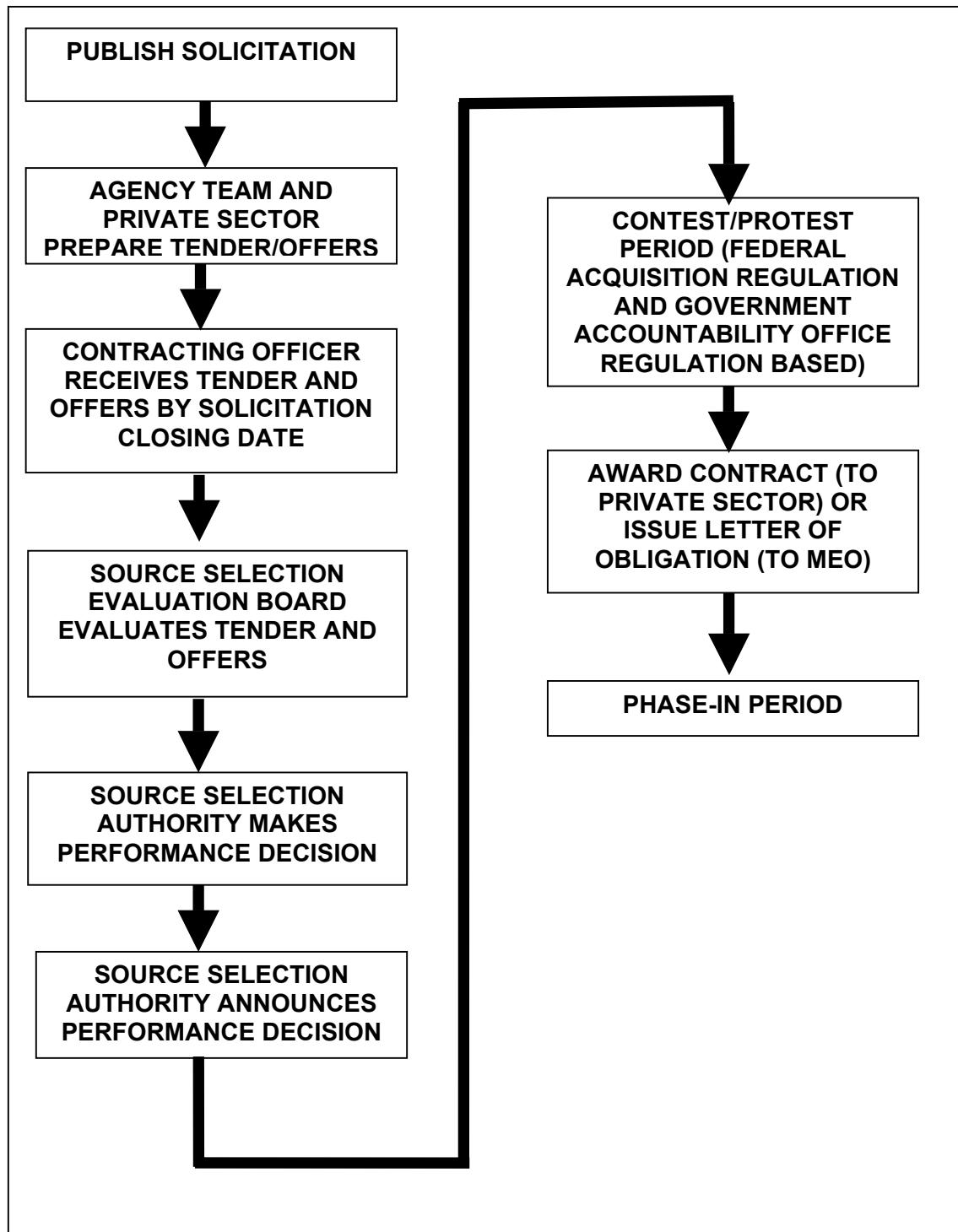
**US Army Corps
of Engineers®**

GUIDE TO POST SOLICITATION EVENTS

JUNE 2005

**Strategic Sourcing Program Office
Washington, DC 20314-1000**

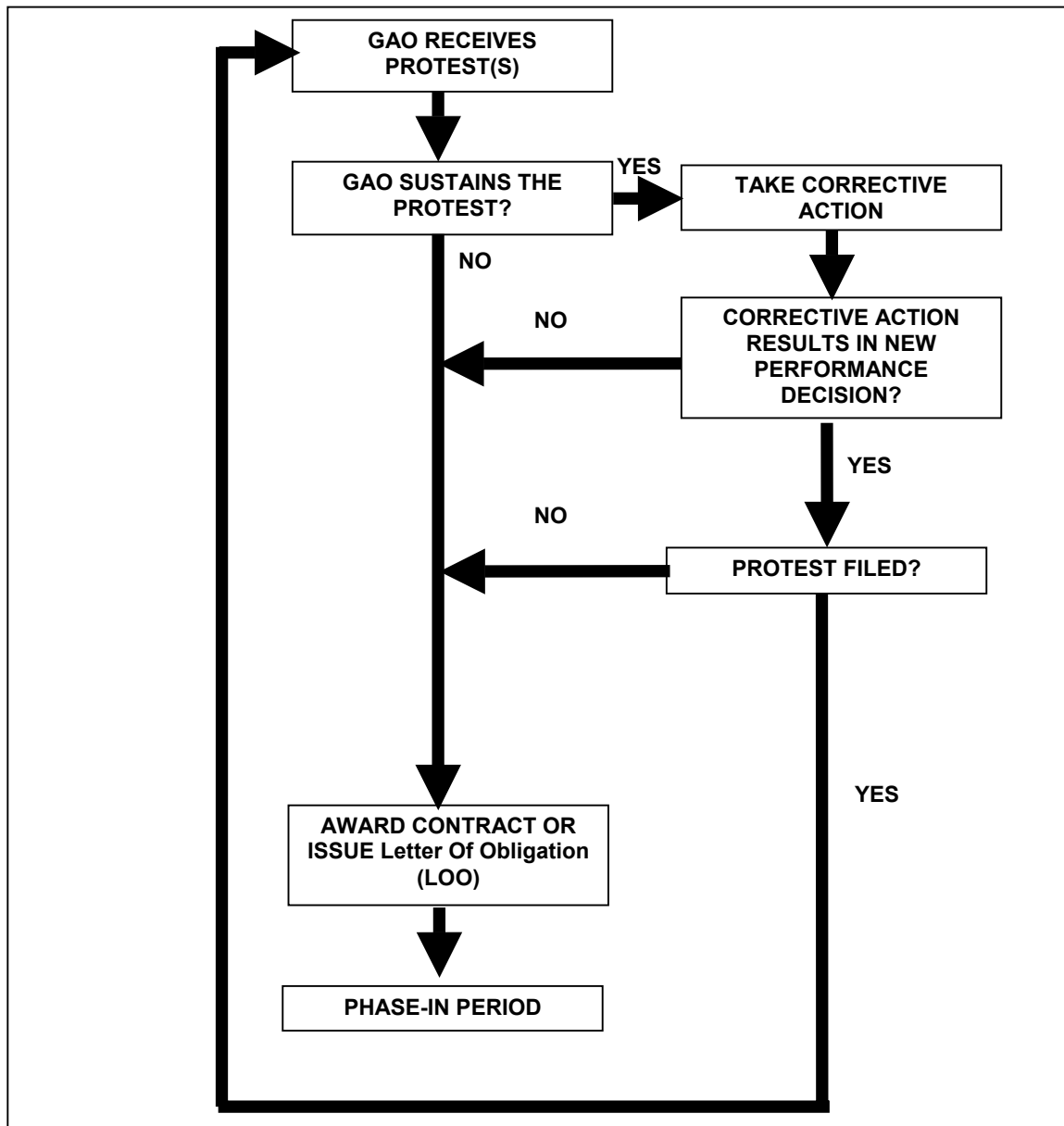
EVENTS FROM SOLICITATION TO PHASE-IN PERIOD



TIMELINE INFLUENCES

KNOWN	UNKNOWN
Time between when the solicitation is published and when the Government tender and private sector offers are due to the Contracting Officer	Time between GAO protest period and contract award or issue Letter of Obligation (LoO)
Time between receipt of the Government tender and private sector offers and the performance decision	
Time between performance decision and the end of the contest period	
Time for the Government Accountability Office (GAO) to decide on protest(s)	

PROTEST ACTIVITY DIAGRAM



PROTEST TIMELINE INFLUENCES

KNOWN	UNKNOWN
Apply Decision and Award Contract if GAO denies protest(s)	Make correction and implement GAO's recommended corrective action; if protest is sustained

WHY?

Unknown if GAO will entertain another round of protests on the corrective action if offeror(s) or Agency Tender Official is unsatisfied with the decision.

WHAT DOES THIS MEAN TO EMPLOYEES?

Employee rights under Reduction-in-Force policy and Right-of-First Refusal don't kick in until the protest(s) are resolved and a contract is awarded or a Letter of Obligation is issued.

IN OTHER WORDS, YOU CAN'T GIVE EMPLOYEES AN EXACT DATE WHEN THEY WILL HAVE AN ANSWER?

That is correct.

If there is no protest, a contract award could occur within 90 days after the Performance Decision. If a protest is filed, the contract award could be delayed by an additional four months or more.

Once a contract is awarded or a Letter of Obligation (LoO) is issued, the phase-in period begins. This phase-in period would typically last about six months, but could be longer for very large or complex contracts. See the IM/IT example on page 9.

“Win or Lose What Happens to Me?”

What can employees expect after performance decision?

Whether the performance decision is to remain in-house or to go contract, there will be an impact on employees working in the competed function as well as other employees in the local command's competitive area. Within USACE each command (such as a district or a field operating activity) has its own [competitive area](#). If the function remains in-house the impact is less than if the performance decision is to contract. In either case, the competitive area defines the boundary within which the human resource actions take place.

What if the performance decision is in favor of a contractor?

With the help from their servicing Civilian Personnel Operating Center (CPOC) and Civilian Personnel Advisory Center (CPAC), the local command conducts a mock [Reduction-In-Force \(RIF\)](#) of all the employees in the competed function to determine what will happen to employees in the local command's competitive area.

[Retention registers](#) are created during the mock RIF and, from an analysis of these registers, the likely outcome of conducting an actual RIF is determined and strategies are developed to help mitigate the adverse impact on employees.

What Human Resource actions might occur after a mock RIF?

Individuals who are eligible may retire.

[Voluntary Early Retirement Authority \(VERA\)](#) may be used to offer early retirement to individuals who meet early retirement requirements.

[Voluntary Separation Incentive Pay \(VSIP\)](#) may be used as an incentive to encourage individuals to retire or resign (depends on whether USACE can afford to offer VSIP.)

“Win or Lose What Happens to Me?”

Individuals may be placed in vacant positions for which they qualify.

Individuals may be eligible for early registration in the [Priority Placement Program \(PPP\)](#) for possible placement at other Department of Defense locations.

What happens if the above actions do not accomplish the required reduction?

If the mock RIF and other placement programs do not accomplish the required reduction, an actual RIF is conducted.

What happens in the actual RIF?

Using the [retention registers](#), employees would begin the “bump and retreat” process for job series and grades for which they qualify (for example a GS-13 in the same occupational series in the competed function may be able to “bump” a GS-13 in a different occupational series in another organizational element in the competitive area or even “retreat” to a GS-12 position they previously held, in another organizational element in the competitive area.)

What happens if employees are not placed through the bump and retreat process?

The Civilian Personnel Advisory Center (CPAC) would next try to place those employees elsewhere in available vacancies. Employees may also be eligible for registration in the Department of Defense Priority Placement Program (PPP).

What happens if employees are not placed?

There are many placement programs and options available to displaced Federal employees. For example, the [Interagency Career Transition and Assistance Program \(ICTAP\)](#) allows priority consideration for non-DoD Federal vacancies in the local commuting area. Employees may also be eligible for retraining or other voluntary

“Win or Lose What Happens to Me?”

placement programs. As a last option, employees who cannot be placed are involuntarily separated from service. Note that if an employee is separated in RIF, priority placement and reemployment rights generally continue for one to two years after separation. Most employees will also be eligible for severance pay.

What is the Right of First Refusal?

The Federal Acquisition Regulation (FAR) Subpart 7.305(c) requires a [Right of First Refusal clause](#) in each competitive sourcing contract. The Contracting Officer provides the names of adversely affected employees to the contractor. The contractor is required to offer employees a job for any position the contractor is establishing to perform work related to the contract, and for which the individual is qualified.

What if the Government Tender wins the competition?

The Most Efficient Organization (MEO) in a Government Tender is typically smaller and the mix of knowledge, skills, and abilities required to perform the work in the Performance Work Statement (PWS) may not be the same as before the competition started.

The MEO may choose to abolish all the positions in the function and to establish new positions in order to assure the proper mix of skills to perform the work in the PWS.

Employees are generally placed in the MEO based on the results of a RIF. Sometimes employees don't have RIF rights to MEO positions because of extensive changes in the MEO. Positions not filled through RIF would be advertised and filled through a competitive process or through another noncompetitive process.

What about the Continuing Government Organization?

A Continuing Government Organization (CGO) is required regardless of the performance decision. The CGO consists of

“Win or Lose What Happens to Me?”

inherently governmental or exempt work and the related positions required to perform that work. Inherently governmental and exempt positions perform work that must be performed by a Federal employee and work that is not suitable for performance by the private sector (for example Contracting Officers Representatives). Typically, the number of positions that will be part of the CGO is smaller than the pre-competition functional management and oversight responsibility required by public law(s) or regulations.

The Government may choose to abolish all the positions that are inherently governmental and exempted from competition.

Employees are generally placed in the MEO or in the CGO based on the results of a RIF. Sometimes employees don't have RIF rights to MEO/CGO positions and in such cases, the positions would be filled through competitive procedures or a noncompetitive process.

When will the results of a performance decision affect employees?

The Federal Acquisition Regulation (FAR) provides for a protest period after the Source Selection Authority (SSA) announces the performance decision and supporting documents are made public by the Contracting Officer (CO).

In accordance with OMB Circular A-76, a directly interested party may pursue a contest under the procedures of FAR Subpart 33.103. Pursuant to FAR Part 33, interested parties may file protests with the agency or at the Government Accountability Office (GAO). The FAR requires agencies to “make their best efforts to resolve agency protests within 35 days after the protest is filed.” According to GAO Bid Protest Regulations (4 CFR 21.9) and FAR 33.104(f), GAO will issue its recommendation on a protest within 100 days from the date of filing the protest with the GAO.

“Win or Lose What Happens to Me?”

Using the IM/IT competition as an example, what does the schedule look like if a protest is filed with the agency or at GAO?

Solicitation closes	26 Aug 05
Source selection process	6 Sep–22 Nov 05
Performance decision	23 Nov 05
Public review – Agency/GAO protest period	5 Dec 05–15 Mar 06
Take GAO-directed actions(s) (estimate)	16 Mar–30 Apr 06
Congressional notification process	1–19 May 06
FedBizOpps announcement	22 May 06
Award Contract or Issue Letter of Obligation	23 May 06
Phase-in Period (12 months)	23 May 06–31 May 07

Will the positions in the IM/IT competition be abolished?

If the service provider is the MEO, all current positions will be abolished and a new Field Operating Activity (FOA) will be established. The FOA will consist of the Continuing Government Organization (CGO) and the MEO.

If the service provider is a contractor, all current positions will be abolished and a new FOA will be established. The FOA will consist of the CGO only.

Where can I learn more about personnel-related information?

Visit the Army personnel site
<http://cpol.army.mil/library/permis/>

Visit the OPM personnel site
<http://opm.gov>